

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:03-CR-102

v.

HON. ROBERT HOLMES BELL

OSCAR GILBERT,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #51). Based on a review of Defendant's motion, the Sentence Modification Report, submissions by counsel, and the original criminal file, the Court has determined that the motion should be denied as follows:

Defendant was sentenced on Counts 1 and 2 of an Indictment charging Possession with Intent to Distribute 50 Grams or More of Cocaine Base in violation of 21 U.S.C. §841(a)(1) and (b)(1)(A), and Felon in Possession of a Firearm in violation of 18 U.S.C. §§922(g)(1), 921(a) and 924(a)(2). Defendant was sentenced as a career offender within the meaning of U.S.S.G. § 4B1.1(a). As such, defendant is ineligible for a reduction in sentence. Accordingly,

Defendant's Motion for Modification or Reduction of Sentence (docket #51) is

DENIED.

Dated: August 2, 2011

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

UNITED STATES DISTRICT JUDGE